

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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DATED: 13-09-2005

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WRIT PETITION No.20071 OF 2005

Between:

N.Sreemannarayana . . .Petitioner

And

The Collector, Kakinada and others . . .Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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WRIT PETITION No.20071 OF 2005

ORDER:

The Special Deputy Collector, Tribal Welfare, Addateegala, East Godavari District, initiated proceedings against the petitioner under the provisions of the Andhra Pradesh Schedule Area Land Transfer Regulations, 1959, read with Regulation 1 of 1970, for his eviction from the land in an extent of Ac.2.14 cents and 83 cents in Survey No.21/4 situated at Gondolu Village, Addateegala Mandal, East Godavari District. Through orders dated 19-02-1991, the Special Deputy Collector ordered for eviction of the petitioner. Aggrieved thereby, the petitioner filed CMA.No.27 of 1991 before the Collector, Kakinada, East Godavari District, the first respondent. The CMA was dismissed on 10-09-1995. Against the said judgment, the petitioner filed WP.No.25264 of 1995 before this Court. The said writ petition came up for hearing in December, 2004. When it was pointed out that a revision is provided for under the regulations, the petitioner sought permission of this Court to withdraw the writ petition to seek the remedy of revision. It is represented that the petitioner filed a revision before the fifth respondent together with an application of stay but no orders have been passed so far, either in the revision or in the stay application. It is complained that respondents 3 and 4 are trying to dispossess the petitioner on the ground that no orders of stay were granted by the fifth respondent, and therefore, the petitioner seeks appropriate directions.

Heard the learned counsel for the petitioner and the learned Government Pleader for Tribal Welfare.

Aggrieved by the order of eviction passed by the Special Deputy Collector, the petitioner availed the remedy of appeal before the first respondent. On dismissal of the appeal, the petitioner approached this Court by filing WP.No.25264 of 1995. The writ petition was dismissed as withdrawn on 09-12-2004 with liberty to file a revision. Such revision has been filed with an application for stay. If the petitioner is dispossessed from the land in question

even while the revision is pending, nothing remains to be decided in the revision by the fifth respondent.

In that view of the matter, the writ petition is disposed of directing that status quo obtaining as on today shall be maintained, till the disposal of the revision by the fifth respondent.

(L.NARASIMHA REDDY, J)

13th SEPTEMBER, 2005.

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